ROBESON TOWNSHIP

BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF ROBESON TOWNSHIP, PENNSYLVANIA, TO AMEND THE ROBESON TOWNSHIP CODE OF ORDINANCES TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES.

WHEREAS, the protection of public health, safety, and welfare is the paramount concern of Robeson Township;

WHEREAS, it is the municipality's policy that development within the jurisdiction be consistent with existing community characteristics, including environmental, infrastructural, and residential considerations;

WHEREAS, data centers are a rapidly expanding use that is not regulated at the state level in Pennsylvania and may exert significant impacts related to energy demand, water consumption, noise, vibration, and environmental quality;

WHEREAS, prudent local regulation of data centers through conditional use in designated industrial zones is necessary to ensure any such development is compatible with the surrounding community and infrastructure;

NOW, THEREFORE, Robeson Township enacts the following regulations.

Article 1. General Provisions.

Section 1.1. Title

This ordinance may be cited as the "Data Center Land Use Ordinance of Robeson Township."

Section 1.2. Purpose

It is hereby declared to be the purpose of this article to designate data centers as a conditional use exclusively in industrial zoning districts of Robeson Township. Although data centers are not currently regulated at the state level, the municipality maintains its zoning and land use authority under the Pennsylvania Municipalities Planning Code (Title 53), and exercises that authority to protect the health, safety, and welfare of the

community; to ensure development is consistent with current community characteristics; and to manage environmental, infrastructural, and land-use impacts associated with data center operations.

Section 1.3. Applicability

This ordinance applies to all proposed development of data centers in Robeson Township.

Article 2. Definitions.

Section 202 of the Robeson Township Zoning Ordinance is amended to add the following definitions:

Data Center: A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications-related equipment that is secondary and 1 customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

Data Center Accessory Use: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Cryptocurrency Mining Facility. Specialized data centers that house a large number of computers (mining rigs) dedicated to solving complex mathematical problems to validate transactions and add new blocks to a blockchain to produce newly minted cryptocurrency.

Data Center Equipment ("DCE"). Includes any Data Center Accessory Uses which in an un-muffed state generate noise in excess of the permitted maximum db(A) under Noise and Vibration Control section of this ordinance. DCE shall be accessory to the Data Storage Center and be located on the same parcel or assemblage of adjacent parcels developed as a unified development for Data Storage Center.

Article 3. Use and Zoning.

Part 7 of the Robeson Township Zoning Ordinance is amended to add the following **Section 731, Data Centers**:

a. Data centers shall be permitted by conditional use in the General Industrial zone.

b. Dimensional Regulations.

   i. The maximum height for any Data Center shall be 50 feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, cooling towers, and power sources (eg. solar panels).

   ii. The Data Center, Data Center Equipment and Data Center Accessory Uses shall be setback at least 1000 feet from the boundary of any residential zoning district or the lot line of any property developed with a sensitive receptor (defined as residential uses, schools, preschools, daycare centers, in-home daycares, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), campgrounds, prisons, and dormitories.)

   iii. Data Center Equipment shall not be located between the principal building of the Data Center and any street and must be separated from any adjacent dwelling or residential zoning district by the principal building.

   iv. Minimum lot area: 10 acres.

c. Emergency Access. The Data Center shall have an adequate means of secondary ingress and egress suitable for emergency vehicles in accordance with the standards as outlined in Section 905 of the Robeson Township Zoning Ordinance and the SALDO and as approved by the Township Engineer and the Township's Fire Commissioner.

d. Water and Sewer

1. Evidence of adequate water and sewage disposal service shall be provided to the township with the conditional use application.

A. Public Water/Sewer Supply. In the case of utilization of a publicly owned or other existing centralized water supply and/or sewage disposal system the developer shall submit a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. This letter shall be supplied with the conditional use application.

B. On-Lot Water Supply. If an approved public water supply is not accessible and water is to be furnished on a project basis, the applicant shall, upon submission of the conditional use application, submit written evidence that they have complied with all Township and State regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations, including proof of review by the Delaware River Basin Commission.

1. Water Resources Impact Study. A water resources impact study shall be required for all Data Storage Center developments with an anticipated withdrawal of 4,000 or more gallons of water per day over a thirty-day period.

The Water Resources Impact Study shall be conducted in accordance with the following:

(a) Purpose. These regulations are to ensure that expansion of production from existing wells or development of new wells for Data Storage Center development in the Township are able to provide a reliable, safe, and adequate supply of water to support the intended use within the capacity of available groundwater resources, and to estimate any impacts of the additional water withdrawals on existing nearby wells, underlying aquifers, wetlands and watercourses. No use shall be approved without sufficient water. No use shall be permitted that poses adverse impact on existing wells in the vicinity.

(b) Pumping Test and Water Quality Analysis. All elements of the pumping test well and water quality analysis shall be completed prior to submission of the water resource impact study. A well 8 construction permit is required for the pumping test well(s) and

monitoring well(s) for preparation of the water resource impact study.

(c) Direct and Indirect Water Use and Release.

1.) Identification of how water will be recycled or released into surrounding water bodies.
2.) A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, humidification of server rooms, fire suppression, and domestic usage).
3.) An analysis of indirect water use required at the power plant to generate the energy supplied to the data center (eg., for heating water for thermoelectric generation, and evaporative cooling).

(d) Professional Preparation. The water resource impact study shall be prepared by a professional geologist and/or professional engineer, licensed in the Commonwealth, experienced in the performance of groundwater investigations for water supply wells.

(e) Certification. The water resource impact study shall be signed and sealed by the person(s) preparing the study and shall include the following information, with respect to the proposed conditional use application:

1) Calculations. Calculations of the projected water demand, including both average and peak daily consumption, using the applicable criteria set forth in the following references:

[a] The adequacy of nonresidential water supplies shall be determined based upon the minimum water requirements published in Table IV-1.2 of Part IV of the current edition of the PA DEP Public Water Supply Manual. For nonresidential facilities other than those found in Table IV-1.2, the adequacy of nonresidential supplies shall be based upon the flow assumptions published in 25 Pa. Code Chapter 73, Standards for Sewage Disposal Facilities,§ 73.17(b), or shall be based on actual water meter or sewage meter flow data for facilities of similar type and size. The applicant shall substantiate any meter flow data used to determine the

adequacy of nonresidential supplies by submitting copies of water and/or sewer bills for the similar facilities.

[b] Guide for Determination of Required Fire flow by the Insurance Services Office (ISO), as amended.

[c] Standards and Manuals for the American Water Works Association, as amended.

[d] In addition to the above, the projected water demand shall include any additional flow required to comply with National Fire Protection Association specifications for sprinkler systems.

2) Area Maps. A topographic and geologic map of the area within a one mile radius of the site.

3) Regional Map Information. The following information shall be provided on a regional topographic map for the area within a 1 mile radius of all proposed wells. If any existing wells withdrawing over 10,000 gpd are located within one mile of the site, the mapping radius shall be extended to one mile. Said map shall be up to date by using recent aerial photographs and/or a driving survey.

[a] The location of all existing and proposed wells, including the test well(s) and monitoring wells.

[b] The location of all existing and proposed on-lot sewage disposals systems as well as all sewage treatment system surface water discharges.

[c] The location of facilities storing or handling residual or hazardous wastes and substances and petroleum products.

[d] The location of all perennial and intermittent watercourses.

4) Site Plan. A site plan shall be provided, showing existing and proposed lot lines. The following features shall be presented on an up-to-date plan for the site and area within 1000 feet beyond the site perimeter.

[a] Flagged wetland boundaries.

[b] All springs, seeps and ephemeral pools.

[c] All watercourses with a statement as to whether they are perennial or intermittent.

[d] Exiting and proposed wells.

[e] Existing and proposed septic systems.

[f] Test well(s) and monitoring wells.

[g] Topography.

[h] Piezometer wells, if applicable.

5) Pumping Test Wells. The test well shall be the supply well(s) anticipated for use by the facility. A backup well is highly recommended and should be tested on a separate week than the primary well.

6) Monitoring Wells.

[a] At least six monitoring wells shall be employed for each pumping test. Monitoring wells shall be evenly spaced radially around the test well so as to represent the region. Wells shall be evenly distanced from the test well so as to experience background in addition to interaction conditions. At least one well shall be no more than 500 feet from the test well. If such a well is not available a monitoring well can be drilled on the site to serve that purpose. The monitoring well should be drilled in a location and constructed in a location, depth and yield so as to later be used as a house well. Information regarding monitoring well casing depth, total depth and water producing zones shall be provided in the final report.

[b] The applicant shall secure written permission from the property owner for any off-site well to be used for monitoring, that grants the Township permission for a period not to exceed 18 months after completion of the project, to obtain water level measurements and samples of the water for laboratory analysis as required to verify compliance with this chapter.

[c] Water levels in the monitoring wells shall be made at sufficient frequency during the test so as to allow for clear understanding of the static water level trend throughout the pumping test. At least one week prior to the pumping of the test well, the monitoring wells shall be measured on at least four separate days. During the pumping test, monitoring wells shall be measured at no less than two-hour intervals during daylight periods. It is highly recommended that either nighttime measurements be made or automated water level logging devices be employed to improve well level data for those wells that are in use. Insufficient or poor quality data may negate the test results. At least four days of post well water level measurements shall be recorded over a period of a week.

[d] Ground elevation adjacent to the well(s) in addition to the static water level shall be based on USGS vertical datum.

7.) Testing Locations and Details. Prior to drilling and/or testing, the Township Engineer shall be provided with the Pennsylvania State Plane Coordinates for the monitoring and test well locations and a map of said locations of the test well(s) and monitoring wells. Prior to drilling and/or testing, the Township Engineer shall be provided with the anticipated pumping test rate and monitoring frequency program which shall be subject to approval by the Township Engineer prior to the test. Dates of drilling and testing shall be made available to the Township Engineer so that they may witness field operations as necessary.

8) Geologic Log. An accurate geologic log should be maintained during drilling of the pumping test well(s) and monitoring well(s) if applicable, to provide a detailed description of the type and thickness of rocks and overburden encountered. Additionally, the log shall contain information on the depth of all water bearing zones encountered and the yield from each zone. The total yield from the well shall be measured using a quantitative method. Samples shall be collected every 20 feet during drilling, or at each change in rock type, whichever occurs first.

9) Pumping Tests. Forty-eight-hour pumping test(s) shall be conducted on the pumping test well(s) at a rate not less than

150% of the combined projected peak daily water demand for the proposed need for which the well represents. The test shall include the monitoring of background water levels in all wells for a period not less than one week prior to start of pumping and one week after pumping. The pumping test shall be conducted during a period when there is no measurable precipitation for at least 48 hours prior to pumping and throughout the test. If precipitation is encountered during this period, the data shall be evaluated using an acceptable method to account for the effects of any recharge upon water levels in the wells, and upon all calculations at a constant pumping test data. Significant recharge during the test may cause the results to be considered invalid. The pumping test shall be followed by a recovery test, with monitoring of water levels in the test well being conducted until at least 95% recovery of draw down is observed in the test well, or until 48 hours after termination of pumping, whichever is first.

10) Pumping Rate. The pumping test shall be conducted at a constant pumping rate that shall not deviate greater than plus or minus five (+/-5%) during the test. The rate of flow shall be monitored by a water meter that tallies total flow volumes as well as reveals pumping rate. The rate of flow from the meter shall be verified periodically through the test with manual bucket and stopwatch measurements and such confirmation measurements recorded and reported.

11) Pumping Test Discharge. The pumping test discharge shall be directed away from and downslope of the test well so as not to significantly influence draw down in the test well and monitoring wells. The means of conveyance and point of discharge shall be approved by the Township Engineer, and shall be at least 100 feet distant.

12) Required Data. The report shall include precipitation data, static water level immediately prior to yield testing, hydrograph of depth to water surface during test pumping and recovery period of the test well, graphs of depth to water surface at monitoring wells during the test pumping period, typed and raw field notes showing original observations, water levels and flow readings, and the time readings were taken.

13) Water Quality. Water quality samples shall be obtained from the test well at both the commencement and termination of the pumping testing to demonstrate that drinking water quality conforms to this section.

[a] All samples shall be collected, transported and analyzed in accordance with US EPA and PA DEP protocol for drinking water. Sample testing shall be performed by a laboratory certified by the commonwealth to perform drinking water analysis. Laboratory reports shall contain sufficient quality assurance and quality control data to explain any analysis and reporting conditions or deficiencies. Water quality must comply with currently published US EPA National Primary and Secondary Drinking Water Standards and Health Advisories.

[b] Water quality testing shall include, at a minimum, the following parameters: total and fecal coliform, nitrate/nitrite, pH, iron, manganese, sulfate, lead, chloride, hardness, turbidity, odor, total dissolved solids, surfactants (detergents), volatile organic compoundsGroup 1 (VOC1) + 10 unknowns, mtbe, herbicides - Group 1 (H1) and pesticides - Group 3 (P3). A library search for tentatively identified compounds (TICs). Additional analysis shall be required if TICs are discovered. Group 1 (VOC1), etc., refers to PA DEP categories of contaminants.

[c] The applicant shall perform a survey to identify and evaluate potential sources of contamination that may impact water quality in the proposed well(s) and shall perform additional sampling and analysis as may be required to assure water quality is satisfactory for the protection of human health and the environment.

[d] A well that does not meet the above standards shall be required to meet them through adequate treatment facilities. Installation and annual maintenance cost estimates to adequately treat the water shall be provided in the report.

[e] The laboratory report shall be included and shall contain the name, license number and address of the state drinking water certified laboratory.

14) Aquifer Capacity. Documentation shall be provided to support the requirement that the aquifer beneath the site has the capacity to provide wells of sufficient yield to meet the needs of the proposed development, both current and long-term. Supportive evidence shall consist of wells drilled on-site, neighboring well information, and data available for wells within one-half mile of the site using the Pennsylvania Groundwater Information System (PA GWIS).

15) Hydrologic Budget. A hydrologic budget shall be calculated, on an annual basis, for the site based upon the drought recharge capacity of the underlying aquifer and the projected peak water demand of the proposed well(s). The budget shall use groundwater recharge values from published references and a drought of at least one-in-ten-year severity. The recharge area for the budget shall consist only of the proposed development project, less impervious surface unless infiltration system considerations are made, if on-site septic systems are proposed, sand mounds, subsurface and at grade systems may allow for contribution of 90% return of water to the aquifer system. Aquifer contribution from spray, drip and stream discharge shall be determined on a case by case basis. A determination shall be made on whether or not the potential exists for adverse effects on hydrogeology of the project vicinity, including adjacent wells, springs, surface water and wetlands, based upon the results of the hydrologic budget.

16) On-Lot Sewage System Effects. A narrative describing the design of all on-lot sewage disposal systems and their effect upon groundwater recharge and quality with respect to all proposed and existing water supplies. A nitrate study shall be performed following PA DEP mass balance policy guidelines which include average year recharge from the development site alone, less impervious surface, sewer system design flow rates and a 45 mg/L effluent. Available existing groundwater quality nitrate data shall be obtained from test well(s), adjacent supply

wells and springs to include as background nitrate levels. Total nitrate levels shall not be allowed to exceed the 10 mg/L drinking water limit.

17) Effects on Waters of the Commonwealth. If wetlands, seeps, springs, ephemeral pools and/or streams exist on or within 1000 feet of the proposed and existing wells boundary, the report shall address the potential to affect these features as a result of drilling and pumping of the proposed supply wells. Circumstantial evidence to support conclusions regarding this issue shall be considered limited in value. Thus, direct monitoring of water levels and direct measurement of flows during pumping tests shall be required when said surface water features are deemed at potential risk. If staff gauges are used, measured stream and seep flow rates must be provided to quantify flows at various gauge levels. Analysis shall include evaluation of the potential effect from proposed underground utility lines that may penetrate the shallow groundwater system.

18) Qualifications. The report shall include a brief statement of the qualifications of the person(s) preparing the study.

(f.) An environmental impact assessment shall be performed and submitted with the conditional use application. The Assessment shall be prepared by a professional environmental engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use including location relationship to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and the probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

1.) The potential for public nuisance to residents resulting from operations, including noise, glare, light, and visual obstacles.
2.) A stormwater management plan, demonstrating compliance with Chapter 92, Stormwater Management Ordinance.
3.) Consistency with the municipal and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures which may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
4.) Additional considerations. The following shall also be addressed:
    i.) Alternatives analysis. A description of alternatives to the impacts.
    ii.) Adverse impacts. A statement of any adverse impacts which cannot be avoided.
    iii.) Impact minimization. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction, including design considerations.
    iv.) Mitigation steps. Listing of steps structural controls proposed to minimize damage to site before and after construction.
5.) Critical impact areas. In addition to the above, plans should include any area, condition, or feature which is environmentally sensitive or which if disturbed during construction would adversely affect the environment.
    i.) Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
    ii.) A statement of impact upon critical areas and of adverse impacts which cannot be avoided.
    iii.) Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.

e. Electric. The applicant should provide an interconnection agreement from the electric service provider indicating that capacity is available, and the data center will be served. Known impacts on electric rates or availability for other uses directly attributable to the data center project should be noted.

i. Any energy generation system designed or used to supply power or back-up power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.

ii. All building roofs shall be solar-ready, which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of a rooftop solar photovoltaic (PV) system at some point after the building has been constructed.

f. Noise and Vibration Control. Noise from operations, including cooling units and backup generators, shall not exceed 45 dBA or 60 dBC at the property line adjoining any residential zone between 10:00 p.m. and 7:00 a.m, and shall not exceed 40 dBA at other times. These thresholds are consistent with health-based guidelines established by the American National Standards Institute (ANSI), the World Health Organization (WHO), and the U.S. Environmental Protection Agency (EPA), and are intended to protect against both high-frequency and low-frequency tonal noise.

j. The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a Data Center and/or Data Center Accessory Uses during normal operations shall be limited to the levels specified in Noise and Vibration Control. A sound study shall be conducted at the following phases:

i. A preliminary study shall be conducted as part of the [conditional use/special exception/land development] process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.

ii. An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound reducing materials or systems

recommended by interim sound study shall be incorporated into the construction plans for the use.

iii. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the [municipality]. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.

k. Maximum decibel levels specified herein shall not apply during times of power outage, however the sound studies shall also evaluate, and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.

l. In the event of a failure by the owner or occupant to remediate a sound violation, the Township may revoke any zoning permit(s) previously issued for the Data Storage Center.

g. Air, Ground, and Water Pollution Controls. Data Center use shall comply with the standards of the Air Pollution Control Act, 35 P.S. §§ 4001 through 4015, as amended, and the following standards:

7. Visible Emissions. Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour, or equal to or greater than 60% at any time, and shall comply with Pennsylvania Code Title 25, Chapter 127A(7), or its most recent update.

8. Particulate, Vaporous and Gaseous Emissions. No owner or operator shall cause, suffer or permit the emission of fugitive particulate, vaporous or gaseous matter from any source in such a manner that the emission is visible or detectable outside the property of that use.

9. Hazardous Air Emission. All emissions shall comply with National Emissions Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C. § 7412) as promulgated in 40 CFR 61, or its most recent update.

10. Odor. No owner or operator shall cause, suffer or permit the emission into the outdoor atmosphere of any malodorous air contaminants from any

source in such a manner that the malodors are detectable outside the property of that use. Any process which causes an odor emission shall be operated in a manner such that escaping odors are eliminated. Backup odor reduction equipment shall be maintained to support primary odor reduction equipment.

11. No owner or operator shall cause, suffer, or permit toxic or hazardous substance to be emitted, leached, deposited, or detectable beyond the property of that use.

12. No owner or operator shall cause, suffer, or permit harm to or the endangerment of ground water levels and quality in the area beyond the property of that use, nor adversely affect ground water supplies of the same.

h. Threatened and Endangered Species

i. PNDI A Pennsylvania Natural Heritage Program study (PNDI Receipt) dated within two (2) years of the submission of an application for conditional use/special exception or subdivision and land development, whichever is first, as well as any state agency clearance letters required thereby, shall be provided to the municipality.

ii. Compliance. The applicant shall comply with all measures directed by the clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.

i. Decommissioning and Closure

A. Decommissioning Plan Required - At the time of application, the operator shall submit a Decommissioning Plan prepared by a qualified professional. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration.

B. Financial Assurance - As part of the Decommissioning Plan, applicants must post a bond, escrow, letter of credit, or other financial security acceptable to the municipality to cover the full cost of decommissioning and site restoration. The financial assurance shall be reviewed and adjusted bi-annually to reflect inflation and updated cost estimates.

C. Timeframe for Decommissioning - Decommissioning must begin within 1 year of cessation of data center operations, or upon notice of abandonment by the operator,

whichever occurs first. Decommissioning shall be completed within 18 months thereafter unless extended by the municipality for good cause.

D. Standards for Decommissioning

1. All above-ground structures, equipment, and accessory facilities shall be removed

2. Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.

3. Disturbed soils shall be stabilized and re-vegetated

4. Any utility connections shall be safely disconnected and capped

5. The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district

j. Other regulations. All other regulations pertaining to a Data Center shall be in accordance with the Robeson Township Zoning Ordinance (Section 408) and SALDO for uses in the General Industrial zone, and any property designated as a Conservation Overlay District (Section 501) shall further meet the regulations set out therein, including those pertaining to riparian buffers, parking, lighting, employees and staffing, deliveries, driveway entrances, outdoor storage areas, landscaping, emissions, fire and explosive hazards, fence and wall regulations.

Article 4. If any section, part, sentence, or clause of this Ordinance is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, parts, sentences, or clauses. The Board of Supervisors declares its intent that this Ordinance would have been enacted had such unconstitutional, illegal or invalid section, part, sentence, or clause not been included herein.

Article 5. All sections, parts, sentences, and clauses of any Ordinance conflicting with any section, part, sentence, or clause of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Article 6. This Ordinance shall take effect five (5) days after its enactment.